

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JAMES KUCZMASKI, et al.,	)	
	)	
Plaintiffs,	)	Civil Action No. 2:06-cv-731
	)	
v.	)	
	)	
U.S. FOODSERVICE, INC.,	)	
	)	
Defendant.	)	
_____	)	

**JOINT MOTION FOR LEAVE TO FILE AGREEMENTS UNDER SEAL**

Plaintiffs James Kuczmaski, Adam Pike, Ryan Phillips, Josh Stone, Suhane Lowery, Kevin Bell, Kevin Moorer, Hamp Crum, III, and Fredrick S. Kuczmaski (collectively “Plaintiffs”) and Defendant U.S. Foodservice, Inc. (“Defendant”), by and through undersigned counsel, file this Joint Motion for Leave to File Agreements under Seal. The Parties have previously advised the Court that they have reached agreement to settle this matter, which involves claims brought by Plaintiffs under the Fair Labor Standards Act (the “FLSA”). On July 10, 2007, the Court entered an Order dismissing the lawsuit in its entirety, with prejudice. [Doc. 38-1.] Agreements settling claims under the FLSA require approval by the Court. See, e.g., Lynn’s Food Stores, Inc. v. United States, 679 F.2d 1350, 1353 (11th Cir. 1982). The Parties are separately filing a Joint Motion for Approval of Settlement Agreement. The Parties, however, wish to keep the terms of their agreements settling this matter strictly confidential. Through this Motion, the Parties seek to file their agreements for the disposition of this matter under seal for the Court’s approval.

Accordingly, the Parties respectfully move the Court for an Order allowing them to file their settlement agreements under seal, for the Court's subsequent review and approval.

Respectfully submitted, this 4<sup>th</sup> day of September 2007.

s/ Gregory O. Wiggins

Gregory O. Wiggins

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**CERTIFICATE OF SERVICE**

This is to certify that on September 4, 2007, the undersigned electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following:

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*s/ Tammy L. Baker*  
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